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LAW SURVEY:
EXCEPTIONS TO COPYRIGHT
FOR LIBRARIES AND ARCHIVES

Summary

The following is a survey of the current legislation of all those countries having international copyright relations, either as members of the Berne Union or as party to the Universal Copyright Convention, and in so far as national legislation exists in each of those countries. The wording of the survey is, as far as possible, based on that used in the legislative provisions of the country being surveyed. Those legislative provisions addressing preservation and library copying are summarized as well as legislative provisions which permit copying for other related purposes. Seventy-six countries have been surveyed. A list of the countries is attached and identified as Appendix I.

National Library of Canada
1987

ALGERIA

Section 28 provides that public libraries, non-commercial documentation centres, scientific institutions and educational establishments may be authorized by order of the Minister for Information and Culture, to reproduce works by a photographic or analogous process in a quantity required for the purposes of their activities.
Law dated 1973.

AUSTRALIA

The Australian copyright law was substantially amended in 1980. These complex and detailed amendments legitimized photocopying of literary, dramatic, musical and artistic works by schools, archives and libraries. The amendments create one of the most comprehensive systems in the world to deal with the problem of copyright and copying. The system is so comprehensive it proceeds work by work, page by page. As a result, it is incredibly detailed. What follows is a summary of the system as it deals with the copying most commonly done by libraries and archives: photocopying of print material[1].

There are four different procedures for copying by libraries and archives:

1. copying for users for the purpose of research of study (s 49);
2. copying for other libraries or archives and inter-library loan (s 50);
3. copying for unpublished works in libraries or archives (s 51);
4. copying for preservation and other purposes (s 51a).

1. COPYING FOR USERS FOR RESEARCH OR STUDY

Section 49 addresses copying by libraries and archives. Libraries are permitted to copy reasonable portions and periodical articles if the user makes a written request and declares that the purpose is research or study. more than a reasonable portion may be copied where the work is unobtainable.

The purpose of the amendments effected by the 1980 Act is to give to non-profit making libraries and archives the ability to make copies of published material for the purpose of the research or study of users of the libraries and archives. Special provisions also apply to use by members of Parliament or parliamentary libraries.

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1. This summary is taken from an excellent text on the subject: Photocopying: A Guide to the 1980 Amendments to the Copyright Act, James Lahore, Butterworths, 1980, pages 19-32.

Who Can Make The Copy

The officer in charge of a non-profit library or archive or a person authorized by one of those institutions.

What Can Be Copied

1. An article or part of an article contained in a periodical publication.

2. The whole or part of a published literary, dramatic or musical work (other than an article contained in a periodical publication).

3. A published edition of a work where the copying of that work is not an infringement of copyright because the copy is made by a library or archive for a user for the purpose of research or study.

4. Any artistic works ("illustrations") which accompany the article or work for the purpose of explaining or illustrating it.

How Much Can Be Copied

Periodical Articles

The whole or part of an article contained in an issue of a periodical publication. The whole or parts of two or more articles can only be copied from the same issue of that periodical publication if the articles relate to the same subject matter.

Published Works - The "Reasonable Portion"

The whole or an amount exceeding a "reasonable portion" of a published literary, dramatic or musical work (other than an article referred to above) can only be copied if the work forms part of the library or archives collection, and before the copy is made an authorized officer has, after reasonable investigation, made a declaration stating that he is satisfied that a copy (not being a second-hand copy) of the work cannot be obtained within a reasonable time at an ordinary commercial price.

What Procedures are Required

The Person Who Wants the Copy (The User)

Any person who wants a copy to be made by the library or archives must make a request and a declaration. The request must be in writing. The declaration must be signed by the applicant who must state (1) that he requires the copy for research or study, (2) that he will not use it for any other purpose, (3) that he has not previously been supplied with a copy by the library or archives.

The Library or Archives

The request and declaration by the applicant are furnished to the library or archives who may then make the copy requested. The following requirements must, however, be observed:-

(a) the library or archive may not make the copy if the declaration contains a statement that is untrue in a material particular;

(b) the amount charged for the copy must not exceed the cost of making and supplying the copy;

(c) the copy must be supplied to the person who made the request.

A notation must be made on the copy at the time the copy is made stating:-

1. that the copy was made on behalf of the named institution; and
2. the date on which it was made.

What Records Must be Kept

All declarations must be retained in the records of the library or archives for the retention period prescribed by regulation. The declarations must be arranged in chronological order.

Inspection of Records

The copyright owner or his agent has the right to inspect all relevant declarations. The following procedure is established:

1. The copyright owner or his agent must give notice in writing to the library or archives that he wishes to inspect all relevant declarations retained in the records of the institution, or only those declarations made during a period specified in the notice.

2. The notice must specify an ordinary working day for the inspection.

3. The inspection can only take place between the hours of 10 am and 3 pm on the specified day.

4. The person who attends at the premises of the library or archives to carry out the search must be provided with all reasonable facilities and assistance for the effective exercise of these powers of search.

Is any Remuneration Payable to the Copyright Owner

No.

Offences

The 1980 Act creates a number of criminal offences punishable, upon conviction, by a fine not exceeding $500. Examples include failure to retain declarations for the prescribed period and failure to arrange declarations in chronological order.

Copyirg for Members of Parliament

The procedure for copying by libraries and archives for users also applies to copying for members of Parliament. The only difference is in the declaration. The member must sign a declaration stating that the copy is required for the performance of duties as a member and the copy will not be used for any other purpose.

2. COPYING FOR OTHER LIBRARIES AND ARCHIVES S. 50

A new section 50 permits inter-library copying to fulfil a request made by a person who declares that the purpose is for research or study. Inter-library copying is also permitted to replace lost, destroyed or damaged items in a collection.

The purpose of the amendments affected by the 1980 Act is to give to non-profit making libraries and achives the power to make copies of published material for two specific purposes:-

1. for inclusion in the collection of other libraries or achives at the request of those other libraries or archives;

2. for users of other libraries or archives who have requested copies from those other libraries or archives.

Who Can Make The Copy

The officer in charge of a non-profit library or archive or a person authorized by one of those institutions.

What Material Can Be Copied

1. An article or part of an article contained in a periodical publication.

2. The whole or part of a published literary, dramatic or musical work (other than an article contained in a periodical publication).

3. A published edition of a work where the copying of that work is not an infringement of copyright because the copy is made for another library or archive user for research or study or for inclusion in their collection.

4. Any artistic works ("illustrations") which accompany the article or work for the purpose of explaining or illustrating it.

How Much Can Be Copied

Periodical Articles

The whole or part of an article contained in an issue of a periodical publication. The whole or parts of two or more articles can only be copied from the same issue of that periodical if the articles relate to the same subject matter.

Published Works - The "Reasonable Portion"

A "reasonable portion", that is, 10 per cent of the number of pages in a published literary, dramatic or musical work (other than an article referred to above) or the whole or part of a single chapter of the work, where the work is divided into chapters, whichever is the greater.

Published Works - More Than a "Reasonable Portion"

The whole or part of a published literary, dramatic or musical work (other than an article referred to above) can only be supplied if the requesting library or archives makes a declaration stating:-

1. the particulars of the request;

2. the purpose for which the copy was requested; and

3. that after reasonable investigation he was satisfied that a copy (not being a second-hand copy) of the work could not be obtained within a reasonable time at an ordinary commerical price.

If the copy is made for the purpose of supplying it to a library or archives which wants the copy for a person who made a request for the copy for research or study, then the amount which can be copied is determined by the provisions governing that kind of copying.

What Procedures are Required

The requesting library or archive requests the supplying library or archive to supply a copy for one of the two specified purposes: either for inclusion in its collection or for supply to a user. A written request is not required. A declaration must be made by the requesting library as soon as practicable after the request is made. Where the appropriate requirements are observed, copyright in the article or other work is not infringed by the making of the copy requested by the requesting library. If a charge is made for making and supplying a copy it must not exceed the cost of making and supplying the copy. When the request is made the supplying library may make the copy requested and supply it to the requesting library. A notation must be made on the copy stating: that the copy was made on behalf of a library or archive and the date on which it was made.

What Records Must be Kept

Declarations in relation to the making of copies must be retained in chronological order by the requesting library.

Inspection of Records

The copyright owner or his agent has the right to inspect all relevant declarations in accordance with the procedure set out in the Act.

Is any Remuneration Payable to the Copyright Owner

No.

Offences

The Act creates a number of criminal offences punishable, upon conviction, to a fine not exceeding $500 for failure to comply with the record keeping requirements.

3. COPYRIGHT OF OLD UNPUBLISHED WORKS AND UNPUBLISHED THESES - SECTION 51

Section 51 permits the copying of unpublished works in libraries subject to certain conditions. Copies can be made for the purpose of research or study or with a view to publication.

Who can Make the Copy

1. Any person; or

2. a library or archives.

What Material can be Copied

1. Any unpublished literary, dramatic or musical work or an unpublished photograph or engraving kept in the collection of a library or archives where it is open to public inspection, and where at least 50 years have expired since the expiration of the calendar year in which the author died and at least 75 years have expired since the work was made.

2. Any artistic works ("illustrations") which accompany the article or work for the purpose of explaining or illustrating it.

How Much can be Copied

The whole or a part of the work.

What Procedures are Required

None, where a person other than the library or archives makes the copy. Where the copy is made by a library or archives the copy must be supplied to a person who:-

1. requires the copy for the purpose of research or study or with a view to publication, and

2. will not use it for any other purpose.

If these formalities are not observed making the copy may constitute an infringement of copyright.

What Records Must be Kept

None.

Is any Remuneration Payable to the Copyright Owner

No.

Copying of Unpublished Theses

Special provisions apply to the copying of unpublished theses kept in a university library or similar institution or in an archive. These can only be copied by a library or archive without infringing copyright if the persons who wants the copy satisfies the library or archive that he requires the copy for the purpose of research or study. The copy can only be made and supplied by the library or archive and only for the specified purpose. The copy cannot be supplied for the purpose of publication.

4. COPYING AND PRESERVATION, REPLACEMENT AND OTHER PURPOSES (INCLUDING MICROFORM COPIES) S.51A

Section 51A permits libraries and archives to copy works for preservation, replacement or microform storage. Copies can be made for the following purposes:

1. To preserve a work in manuscript form or an original artistic work against loss or deterioration.

2. If the work is held in manuscript form or is an original artistic work, for the purpose of research that is being, or is to be, carried out at the library or archives in which the work is held, or at another library or archives.

3. To replace a published work held in the collection but which has been damaged or has deteriorated.

4. To replace a published work previously held in the collection but which has been lost or stolen.

Who can Make the Copy

The copy can be made on behalf of the officer in charge of the library or archives.

What Material can be Copied

1. Works held in published form and in manuscript form and original artistic works.

2. Any work copied must form part of the collection of the library or archives for which the copy is made, unless the copy is made for research being, or to be, carried out at another library or archives.

3. A work held in published form (not, e.g., in manuscript form) in the collection of a library or archives cannot be copied for any purpose unless an authorized officer of the library or archives has, after reasonable investigation, made a declaration stating that he is satisfied that a copy (not being a second-hand copy) of the work cannot be obtained within a reasonable time at an ordinary commercial price.

4. A published edition of a work where the copying of that work is not an infringement of copyright because the copy is made for preservation or replacement.

5. Any artistic works ("illustrations") which accompany the work for the purpose of explaining or illustrating it.

How Much Can be Copied

The whole work in manuscript form or published form, as the case may be, and an original artistic work.

Microform Copies

Special provisions apply to microform copies. A single microform copy can be made by the library or archives of any work in its collection and for any purpose, but only if the work copied is destroyed as soon as practicable after the copy is made.

What Procedures are Required

No procedures are required, except where a declaration is required that a work in published form is unobtainable.

What Records Must be Kept

Declarations must be made, and records kept, under the same rules and procedures discussed above.

Inspection of Records

The copyright owner or his agent has the right to inspect all relevant declarations, according to the procedure set out in the Act.

Offences

The Act creates a number of criminal offences punishable, upon conviction, to a fine not exceeding $500.
Law dated 1980.

AUSTRIA

Article 42 provides that anyone may reproduce for his personal use isolated copies of a work. Single copies may also be made fo the personal use of another person. Article 44 provides that single articles contained in a newspaper or periodical which deal with economic, political or religious questions may be multiplied and distributed in other newspapers and periodicals. This does not apply, however, where the multiplication is expressly prohibited. Such prohibition shall be constituted by a reservation of rights on the article or on the heading of the newspaper or periodical.
Law dated 1980.

BANGLADESH

Section 57 permits (1) the making of limited number of copies of any work in a public library by the librarian for the use of a library, and (2) reproduction of any unpublished works kept in a public library, museum or other institution to which the public has access for the purpose of research or private study, if the copies are made more than 50 years after the death of an author.
Law dated 1974.

BELGIUM

No special provisions for libraries and archives.
Law dated 1958.

BRAZIL

Section 49 provides that it is not an infringement of copyright to reproduce any work in a single copy, provided the copy is not intended to be used for profit-making purposes.
Law dated 1973.

BULGARIA

No special provisions for libraries or archives.
Law dated 1972.

CHILE

Exceptions are contained in Articles 38 to 47. There are no special provisions for libraries or archives.
Law dated 1971.

COLOMBIA

No special provisions for libraries or archives.
Law dated 1971.

COSTA RICA

No special provisions for libraries or archives.
Law dated 1948.

CUBA

There is an exception which permits reproduction of a work by a photographic or analogous process in a library, documentation centre, scientific or teaching institution, provided that the reproduction is not for purposes of profit and the number of reproduced copies is strictly limited to the requirements of the specific activity.
Law dated 1977.

CYPRUS

An exception to copyright in section 7(1)(j). Any use made of a work by public libraries, non-commercial collection and documentation centres and scientific institutions as may be prescribed, where such use is in the public interest, no revenue is derived therefrom, and no admission fee is charged for the communication, if any, to the public is not an infringement of copyright.
Law dated 1978.

CZECHOSLOVAKIA

An exception is provided for a person who makes a copy of a work already made public for personal use.
Law dated 1965.

DENMARK

Article 11 provides that a published work can be reproduced in single copies for private use. Article 12 provides that archives, libraries and museums may make

photographic copies of works for use in their activities under the conditions set out in Royal Decree of July 21, 1962. The Decree itself lists the national institutions which can reproduce works without infringing copyright. These include the state archives and its branches, the national library as well as all scientific and technical libraries which are operated by public authorities, all public libraries and the national museum. Other similar institutions can be added by the Minister as needed. Copying is permitted for "protective" purposes, for research and study, to complete defective works, and to augment collections of other institutions.
Law dated 1977.

ECUADOR

There are no special exceptions for libraries or archives.
Law dated 1976.

EGYPT

Reproduction of a single copy of a published work for strictly personal use is permitted pursuant to Article 12.
Law dated 1954.

EL SALVADOR

There are no special provisions for libraries or archives.
Law dated 1983.

FINLAND

A disseminated work may be reproduced in a few copies for private use, pursuant to Article 11. Such copies cannot be used for other purposes. It is also permitted to engage an outsider to reproduce copies which are intended for the private use of the party ordering the copies.
Law dated 1974.

FRANCE

Article 41 provides that when a work has been disclosed, the author shall not be entitled to prohibit the making of copies or reproductions reserved strictly for the private use of the copyist and not intended for collective use, with the exception of copies of works of art intended to be used for purposes identical with those for which the original work was created.
Law dated 1957.

GERMAN DEMOCRATIC REPUBLIC

Article 23 provides that reproduction of published works is permitted where it serves personal and professional interests and the copy is not made public. Architectural works are excluded from this exception.
Law dated 1966.

GERMANY (FEDERAL REPUBLIC)

On July 1, 1985 a new copyright law entered into force in the Federal Republic of Germany. The main purpose of the new law was to deal with modern reproduction technology. Under the old law it was permissible to make single copies for private and other personal uses without the author's consent. Modern reproduction technology brought about such an increase in copying that the German legislators were persuaded that the interests of authors were being unacceptably prejudiced.

The main provisions of the new law are Articles 53 and 54. Article 53 lays down the conditions under which copies may be made without the author's consent. Article 54 specifies what is to be paid for that copying.

Articles 53 provides that it is permissible to make single copies for private use without the permission of the authors of the work copied. The German courts have interpreted "single copies" to mean a maximum of seven copies. Single copies may also be made for other personal (as opposed to private) uses:

- for personal scientifc use;
- to be included in personal files;
- for personal information concerning current events.

There are three cases where Article 53 prohibits reproduction without the author's consent:

- whole books or periodicals;
- graphic recordings of musical works;
- programs for data processing.

Article 54 specifies the remuneration to be paid for copying for private and personal use. There is no copying for either private or personal use which escapes payment. The 1985 Copyright Amendment Law provides for remuneration in the form of an "appliance levy" to be paid by the manufacturer or importer of the appliance at the time the photocopying machine is bought, rented or leased. The payment is graduated according to the capacity of the machine. Capacity is calculated on the basis of the number of copies which can be produced per minute. The rates are:

Performance category 1:	
2 to 12 copies a minute	75 DM
Performance category 2:	
13 to 35 copies a minute	100 DM
Performance category 3:	
36 to 70 copies a minute	150 DM
Performance category 4:	
more than 70 copies a minute	600 DM

This levy is a lump sum payment corresponding to the amount of copyright material normally copied with a photocopying machine. There are places, however, in which originals protected by copyright are photocopied to a greater extent. For photocopying machines installed in such places (schools, universities and vocational training establishments, or other training or research establishments, public libraries or copy-shops) an operator levy is charged in addition. That means that, over and above the appliance levy, in these areas remuneration of 0.02 DM is charged for each photocopy of an original protected by copyright.

Empirical studies made in certain selected institutions representative of their area are used to establish the percentage of protected copies in the total number of copies made. The collecting society responsible for the charging of remuneration then applies this percentage to the total number of photocopies made with each particular machine installed in a comparable location. The Law allows the parties (the user and the collecting society) to agree on other charging methods. The collection of the photocopying levy entails the intervention of a collective.
Law dated 1985.

GHANA

There are no special provisions for libraries or archives.
Law dated 1962.

GREECE

There are no special provisions for libraries or archives.
Law dated 1944.

GUATEMALA

No special provisions for libraries or archives.
Law dated 1954.

GUINEA

Article 10 provides that where a work has been lawfully made available to the public, the author may not prohibit reproductions, adaptations, and translations intended for strictly personal and private use.
Law dated 1980.

HAITI

There are no special provisions for libraries or archives.
Law dated 1968.

HUNGARY

Article 18 provides that anyone can make copies of any published work provided that such copies are not intended for purposes of putting the work into circulation or producing receipts, and otherwise do not infringe upon the rightful interests of the author. The provision does not apply to works of architecture or to technical works.
Law dated 1978.

ICELAND

Article 11 provides that single copies of a disseminated work may be produced for private use only. However, no one shall be allowed to produce, or engage anyone to produce, more than three such copies for use in his place of business.

Article 12 provides that it may be decided by the issuance of official regulations that specified official libraries, archives, scientific and research institutions are permitted to make photographic copies of works for use in their own activities. The conditions under which this shall be permissible must be stipulated therein, including the disposal of the copies and their safe-keeping. Such copies must not be lent or disposed of outside the establishment concerned.
Law dated 1972.

INDIA

Article 52 provides that it is not an infringement of copyright to:

(o) make not more than three copies of a book (including a pamphlet, sheet of music, map, chart or plan) by or under the direction of a person in charge of a public library for the use of the library if such book is not available for sale in India;

(p) reproduce for the purpose of research, private study or with a view to publication, an unpublished literary, dramatic or musical work kept in a library, museum or other institution to which the public has access. If the author's identity is known to the institution, the exception will only apply if the reproduction is done more than 50 years after the death of the author.

Law dated 1958.

IRELAND

There is a narrow exception dealing with the publication of old manuscripts. Article 12(6) provides for the publication of old manuscripts in a library or museum in accordance with the regulations established by the Government is not an infringement of copyright.
Law dated 1964.

ITALY

Article 68 provides that the reproduction of single works, or of portions of works, for the personal use of readers, when made by hand or by a means of reproduction unsuitable for circulating or diffusing the work in public, shall be free. The photocopying of works existing in libraries, when made for personal use or for the services of the library, is also free of copyright restrictions. The circulating of such copies in public and, in general, any use thereof in competition with the rights of economic utilization belonging to the author is forbidden.
Law dated 1979.

IVORY COAST

Article 29 provides that when a work has been lawfully made available to the public, the author may not prohibit reproductions, translations, adaptations intended for strictly personal and private use, and not intended for collective use, with the exception of works of art.
Law dated 1978.

JAPAN

Article 31 provides that it shall be permissible to reproduce a work included in the collections of libraries, within the scope of the non-profit making activities of libraries which are designated by Cabinet Order as having the purpose of offering library materials for the use of the public in the following cases:

(i) where, at the request of a user and for the purpose of his own investigation or research, he is furnished with a single copy of a part of a work already made public or of all of an individual work included in a periodical already published for a considerable period of time;
(ii) where the reproduction is necessary for the purposes of preserving library materials;
(iii) where other libraries, etc. are furnished with a copy of library materials which are rarely available through normal trade channels because the materials are out of print or for other similar reasons.

Law dated 1970.

KENYA

Article 7 permits the reproduction of a work by or under the direction or control of the government, or by such public libraries, non-commerical documentation centres and scientific institutions as may be prescribed, where such reproduction is in the public interest and no revenue is derived therefrom.
Law dated 1975.

LEBANON

There are no special provisions for libraries or archives.
Law dated 1946.

LIBERIA

There are no special provisions for libraries or archives.
Law dated 1972.

LIBYA

Article 12 provides that the author cannot object to a third party making, for his own personal use, a copy of a work already made available to the public.
Law dated 1968.

LIECHTENSTEIN

Article 22 permits reproduction for private use. Except for the construction of works of architecture, the reproduction of a work shall be lawful when the reproduction is destined exclusively for the personal and private use of the person reproducing it. Such reproduction cannot be used with gainful intent.
Law dated 1959.

LUXEMBOURG

There are no special provisions for libraries or archives.
Law dated 1972.

MALAWI

Article 7(j) provides that copyright in a work does not include the right to control any use made of a work by or under the direction or control of the Government, or by such public libraries, non-commercial documentation centres and scientific institutions as may be prescribed, where such use is in the public interest, no revenue is derived therefrom and no admission fee is charged for the communication, if any, to the public of the work thus used.
Law dated 1965.

MALI

Article 37 provides that the Minister responsible for the arts and culture may, if need be, authorize public libraries, non-commercial documentation centres, scientific institutions, educational establishments, literary centres and any cultural organization recognized by the government to reproduce by a photographic or similar process literary, scientific or artistic works in the amount necessary for the purpose of their activities, subject to the payment of equitable remuneration.
Law dated 1977.

MALTA

Article 7(1)(k) provides that copyright does not include the right to control any use made of a work by or under the direction or control of the Government, or by such public libraries, non-commerical documentation centres and scientific institutions as may be prescribed, where such use is in the public interest and no admission fee is charged for the communication, if any, to the public of the work thus used.
Law dated 1970.

MEXICO

Article 18(e) provides that the rights of an author shall not extend to the copying by manuscript, typewriting, photography, photostat, painting, drawing or microfilm of a published work, provided it is for the exclusive use of the person making the copy.
Law dated 1963.

MONACO

There are no special provisions for libraries or archives.
Law dated 1949.

MOROCCO

Article 16(3) provides that when a work has been lawfully made accessible to the public, the author may not prohibit reproductions destined exclusively for personal and private use.

Article 18 provides that public libraries, non-commercial documentation centres, scientific institutions and educational establishments shall be authorized to reproduce, by a photographic or similar process, literary, scientific or artistic works which have already been lawfully made available to the public, on condition that such reproduction and the number of copies are limited to the purpose of their activities.

Article 23 provides that without prejudice to the right of the author to receive equitable remuneration, reproductions of an exceptional documentary character and copies of recordings of cultural value may be preserved in official archives designated for this purpose by the Minister of Cultural Affairs. A list of the reproductions and recordings referred to above shall be drawn up by order of the Minister of Information and the Minister of Cultural Affairs.
Law dated 1970.

NETHERLANDS

Article 16(b) provides that it is not an infringement of copyright in a literary, scientific or artistic work to reproduce it in a limited number of copies for the sole purpose of the personal practice, study or use of the person who makes the copies or orders the copies to be made.

The copies made may not be transmitted to third parties without the consent of the copyright owner, except where such transmittal is effected for the purposes of a judicial or administrative proceeding.

An administrative regulation may provide that with respect to the reproduction of literary, scientific or artistic works, the foregoing provisions can be waived for the operation of the public service and for the performance of the tasks incumbent on public service institutions. Directions and precise conditions may be fixed to this end.

Article 17 provides that without prejudice to the provisions of the foregoing Article, it shall not be deemed to be an infringement of the copyright in literary, scientific and artistic works to reproduce, on behalf of an enterprise, organization or other establishment, articles, information or other separate texts which have appeared in a daily or weekly newspaper or weekly or other periodical, small portions of books, pamphlets or other writings. The exception applies provided that the works are scientific and that the number of copies made does not exceed that which the enterprise, organization or establishment may reasonably need for the purposes of its internal activities. Copies may only be transmitted to persons employed by the enterprise, organization or establishment.

Any person who makes copies, or orders the making of copies, shall pay equitable remuneration to the author of the work thus reproduced or to his successors in title.

An administrative regulation (issued by the Queen) may fix provisions concerning the maximum number of copies, the maximum size of copies, the amount of remuneration, the mode of payment of remuneration and the number of copies in respect of which no remuneration is payable.
Law dated 1972.

NEW ZEALAND

Article 21 contains a detailed special exception for libraries, universities and schools. The copyright in a published literary, dramatic, or musical work, or in a published edition of such a work, or in a published artistic work, is not infringed by making or supplying a copy of the work or edition, if the copy is made or supplied by or on behalf of a teacher at any University or school, or the librarian of the General Assembly Library, or of a library maintained by any Government Department, local authority, public body, University, or school, or of a library of any other prescribed class, not being a library conducted for profit, subject to the following conditions and any further conditions which may be prescribed:

(a) The copies in question shall be supplied only to persons satisfying the teacher or librarian, or a person acting on their behalf, that they require them for the purposes of research or private study and that they will not use them for any other purpose;

(b) Except in the case of an artistic work, no copy shall extend to more than a reasonable proportion of the work or edition in question or to more than one article in a periodical publication, unless two or more articles in the same publication, unless two or more articles in the same publication relate to the one subject-matter;
(c) No person shall be furnished with more than one copy of the same artistic work, or the same article, or the same part of any other work or edition; and
(d) Persons to whom copies are supplied shall not be required to make a higher payment (if any) for them than the cost (including a contribution to the general expenses of the University, school, or library) attributable to their production.

(2) The copyright in a published literary, dramatic, or musical work, or in a published edition of such a work, or in a published artistic work, is not infringed by making or supplying a copy of the work, or part of it, by or on behalf of the librarian of a library, if:
(a) The copy is supplied to the librarian of another library;
(b) At the time when the copy is made the librarian by or on whose behalf it is supplied, does not know the name and address of any person entitled to authorise the making of the copy, and could not by reasonable inquiry ascertain the name and address of such a person; and
(c) Any other prescribed conditions are compiled with:
Provided that the condition specified in paragraph (b) of this subsection shall not apply in the case of an article contained in a periodical publication.

(3) The copyright in an unpublished literary, dramatic, musical, or artistic work is not infringed by making or supplying a copy of the work deposited at a library to which subsection (i) of this section applies by or on behalf of the librarian of that library, if-
(a) The copy is supplied under the conditions of paragraph (a) of subsection (i) of this section; or
(b) The copy is supplied to the librarian of any such library; and
(c) Any other prescribed conditions are compiled with.
Law dated 1963.

NICARAGUA

No special provisions for libraries or archives.
Law dated 1904.

NIGERIA

Exceptions from copyright protection, listed in Schedule 2 to the copyright law include in Section 5(k) any use made of a work by or under the direction or control of the Government, or by such public libraries, non-commercial documentation centres and scientific or other institutions as may be prescribed, where the use is in the public interest, no revenue is derived therefrom and no

administration fee is charged for the communication, if any, to the public of the work so used.
Law dated 1970.

NORWAY

Article 11 states that provided copying is not done for purposes of gain, single copies of a work which has been disseminated may be produced for private use. Such copies may not be used for other purposes.

Article 16 states that the King may provide that certain specified archives and libraries for use in their activities may, on stipulated terms, make photographic reproductions of scientific, literary or artistic works.

Article 6 of the Law on Rights in Photographic Pictures provides that the King may determine that archives and libraries shall, subject to specifically prescribed conditions, have the right to make copies of photographic pictures in cases where they require such copies for the purpose of their own activities.
Law dated 1977.

PAKISTAN

Section 56(o) provides that copyright is not infringed by the making of not more than three copies of a book (including a pamphlet, sheet of music, map, chart of plan) by or under the direction of the person in charge of a public library or a non-profit library available for use by the public free of charge, or by a library attached to an education institution for the use of such library, if such book is not available for sale.

Section 56(p) provides that copyright is not infringed by reproducing for the purpose of research or private study or with a view to publication, an unpublished literary, dramatic or musical work kept in a library, museum or other institution to which the public has access. Where the work is unpublished, and the identity of its author is known, the exception will only apply where the reproduction is made more than 50 years from the death of the author.
Law dated 1973.

PANAMA

No special provisions for libraries or archives.
Law dated 1916.

PARAGUAY

No special provisions for libraries or archives.
Law dated 1951.

PERU

Article 70 provides that the reproduction of works for exclusive personal use is free, provided the reproduced copies do not circulate in a form capable of causing pecuniary loss to the author of the work reproduced. Articles 72 and 73 permit the free reproduction of works of architecture and art in museums or archives or situated in other public places.
Law dated 1961.

PHILIPPINES

Section 13 provides that libraries, public archives and museums have the right, subject to the conditions specified in the succeeding paragraphs, to produce for purposes of their activities, by photographic means, and without the consent of the creator or proprietor, copies of a literary or artistic work.

Material forming part of the collections mentioned in the preceding paragraph which, by reason of their fragile character or rarity, cannot be lent to users in their original form, may be reproduced by photography for the purpose of loans. Nevertheless, except in cases where special reasons justify it, not more than two copies may be made.

It is equally permissible to make, by means of photography, reproductions of isolated articles contained in composite works, as well as brief portions of other published works, in order to supply them, when this is considered expedient, to persons requesting their loan for purposes of research or study, instead of lending the volumes or booklets which contain them. Each person may only receive one copy of each article or each portion of a work.

When a copy of a work is found to be incomplete, the missing portions may be reproduced by means of photography, provided they only constitute a minor portion of the total work. Nevertheless, it shall not be permitted to produce a volume of a work published in several volumes or to produce missing tomes or parts of magazines or similar works, unless the volume, tome or part is out of stock with booksellers, the printing house and the publisher.

Every library which, by law, is entitled to receive one or two copies of a printed work shall be entitled, when special reasons so require, to reproduce, by means of photography or process analogous to photography, a copy of published work, the acquisition of which is considered necessary for the collections of the library, but which is out of stock with booksellers, the printing house and the publisher.

A work belonging to the collections mentioned above, which has not been disseminated, may not be reproduced or published without the consent of the creator or proprietor. However, such work may be reproduced for purposes of preservation.
Law dated 1972.

POLAND

Article 22 permits the copying or reproduction of a work for personal use but this does not include the right to construct a building according to the architectural design of another person.
Law dated 1975.

PORTUGAL

Article 63 provides that is is permitted, in accordance with established practice, for public entities, libraries, archives and scientific institutions to reproduce excerpts from works that have not yet fallen into the public domain, for their own use or for private use of the persons so requesting. The latter must, however, be expressly advised that no commercial use may be made of such reproductions without the consent of the author.
Law dated 1966.

ROMANIA

There are no special provisions for libraries or archives.
Law dated 1968.

SENEGAL

Article 10 provides that when a work has been lawfully made available to the public, the author may not prohibit reproductions, translations or adaptations intended strictly for personal and private use.
Law dated 1973.

SRI LANKA

Article 13 provides a fair use provision. The following uses, amongst others, either in the original languages or in translation, are permitted without the author's consent:-

(a) in the case of any work that has been lawfully published, the reproduction, translation, adaptation, arrangement or other transformation of a work exclusively for the user's own personal and private use;
(b) the reproduction, by sound recording, photographic or similar process, by public libraries, non-commercial documentation centres, scientific institutions and educational establishments, of literary, scientific or artistic works which have already been made available to the public, provided that the reproduction and the number of copies made are limited to the needs of their activities, do not conflict with the normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author.

Law dated 1980.

SOUTH AFRICA

Section 8 provides that the copyright in an article contained in a periodical publication is not infringed by the making or supplying of a copy of the article. The copy must be made or supplied by or on behalf of the librarian of a library of a class prescribed by the Minister by regulations and with due observance of the conditions prescribed in those regulations.

In making these regulations, the Minister is required to make such provision as he may consider appropriate to ensure:

(a) that the libraries to which the regulations apply are not established or conducted for profit;

(b) that the copies in question are supplied only to persons satisfying the librarian, of a person acting on his behalf, that they require them for purposes of research or private study and will not use them for any other purpose;

(c) that no person is furnished, under the regulations, with two or more copies of the same article;

(d) that no copy extends to more than one article contained in any one publication; and

(e) that persons to whom copies are supplied under the regulations are required to pay for them a sum not less than the cost (including a contribution to the general expenses of the library) attributable to their production, and may impose such other requirements (if any) as may appear to the Minister to be expedient.

The copyright in a published literary, dramatic or musical work, other than an article contained in a periodical publication, is not infringed by the making or supplying of a copy of part of the work. The copy must be made or supplied by or on behalf of the librarian of a library of a class prescribed by the Minister by regulations and with due observance of the conditions prescribed in those regulations. The exception does not apply if, at the time when the copy is made, the librarian concerned knows, or could by reasonable inquiry ascertain, the name and address of a person entitled to authorize the making of the copy.

The copyright in a published literary, dramatic or musical work is also not infringed by the making or supplying of a copy of the work, or of any part of it, by or on behalf of the librarian of a library of a class prescribed by the Minister by regulations if:

(a) the copy is supplied to the librarian of any library of a prescribed class;

(b) at the time when the copy is made, the librarian by or on whose behalf it is supplied does not know and could not by reasonable enquiry ascertain the name and address of any person entitled to authorize the making of the copy; and

(c) any other conditions prescribed by the regulations are complied with:

These provisions do not apply in the case of an article contained in a periodical publication.

Where at a time more than fifty years from the end of the calendar year in which the author of a literary, dramatic or musical work died, and more than one hundred years after the time or the end of the period at or during which the work was made:-

(a) copyright subsists in the work;
(b) the work has not been published; and
(c) the manuscript or a copy of the work is kept in a library, museum or other institution where it is (subject to any provisions regulating the institution in question) open to public inspection, the copyright in the work is not infringed by a person who reproduces the work for purposes of research or private study or with a view to publication.

Where a published literary, dramatic or musical work (referred to as "the new work") incorporates the whole or any part of a work (referred to as "the old work") in respect of which the circumstances specified in the preceding paragraph existed immediately before the new work was published, the publication of the new work or any subsequent publication thereof, whether in the same or in an altered form, shall:-

(a) if before the new work was published such notice of the intended publication as may be prescribed by the Minister by regulations had been given; and
(b) if immediately before the new work was published, the identity of the owner of the copyright in the old work was not known to the publisher of the new work, shall not in so far as such publication constitutes a publication of the old work, for the purposes of this Act be regarded as an infringement of the copyright in the old work or as an un-authorized publication of the old work:

This exception does not apply to a subsequent publication incorporating a part of the old work which was not included in the new work as originally published, unless the circumstances specified above existed immediately before that subsequent publication.

In so far as the publication of a work or of part of a work is not regarded as an infringement of the copyright in the work, a person who subsequently broadcasts the work or that part thereof, as the case may be, or causes it to be transmitted to subscribers to a diffusion service or performs it in public or makes a record of it, does not thereby infringe the copyright in the work.

The exception also applies in relation to an article or other work which is accompanied by one or more artistic works provided for explaining or illustrating it.
Law dated 1975.

SOVIET UNION

Article 103 provides 2 exceptions of interest. The first provides that it is not an infringement of copyright to reproduce scientific, literary and artistic works separately published, and portions of them within the limits specified by

the legislation of the Federated Republics, in scientific and critical compilations, in scholarly publications, and in popular political and social works. The second provides an exception for reprographic reproduction a non-profit making basis of printed works for scientific, educational, and instructional purposes.
Law dated 1976.

SPAIN

There are no special provisions for libraries or archives.
Law dated 1919.

SWEDEN

Article 11 provides that a disseminated work may be reproduced in single copies for private use. Such copies may not be used for other purposes.

Article 12 provides that the Government may give permission and prescribe the conditions under which archives and libraries may make photographic reproductions of a work for the purpose of their activities. The Government has issued a Decree Concerning Library Photo Duplication which is as follows:

PHOTOGRAPHIC REPRODUCTION FOR THE NEEDS OF ARCHIVES AND LIBRARIES

Article 1. In accordance with the provisions of Articles 2 to 6 of the present Decree, the National Archive as well as Archive services dependent on it, the National Library and other libraries, for scientific or specialized purposes, and run by public authorities subsidized by the State and employing fulltime personnel may, without the consent of the author or photographer, produce photographically, for the needs of their activities, copies of literary or artistic works or photographic pictures.

The extension of the right of reproduction defined in the preceding paragraph to archives or libraries other than those mentioned above will be subject to a special decision of the King in Council.

Article 2. To the extent justified by reasons of national defence or conservation of their collections, the archives and libraries referred to in Article 1 may reproduce, by means of microfilm or by analoguous procedures, books and other documents included in their collections.

Similarly, they may reproduce photographically, for loaning purposes, books and other documents included in their collections when it is not convenient, because of their fragility or rarity, to put the originals at the disposition of borrowers, however, except for special reasons, no more than two copies of such works may be reproduced.

If the documents contain unpublished works or photographic pictures protected by copyright, they may not be reproduced without the consent of the author or photographer.

Article 3. If it is deemed useful, copies, whether of isolated articles, in works of a composite character, in newspapers or in periodicals, or of parts extracted from other published works, may also be reproduced by photographic procedures and delivered instead of the volumes or issues containing these articles or fragments, to borrowers engaged in studies or scientific research. To each borrower there shall be delivered only one single copy thus reproduced of each article or fragment.

Article 4. If, in the copy of a work included in the collections of archives and libraries, relatively limited parts in relation to the whole work are missing, these parts may be reproduced by photographic procedures.

The missing parts of works published in installments, as well as the missing volumes or separate issues of periodicals and similar publications, may only be reproduced if the parts, volumes or issues in question cannot be furnished by a book store or by the distributor or by the publisher.

Article 5. The libraries having the right by virtue of legislative and regulatory provisions, to a copy from the legal deposit of printed writings, may, if imperative reasons require it, reproduce by photographic procedure a published work considered essential to their collections, but which a book store, the distributor or the publisher are unable to furnish. Only a single copy of each work may be reproduced.

Article 6. The provisions of Articles 3 to 5 shall apply, mutatis mutandis, to photographic pictures.

Article 7. Departmental libraries, as well as popular libraries subsidized by the State and employing full-time personnel, may, without the consent of the author or photographer, reproduce by fixation on film for reading appliances, copies of published literary or artistic works or published photographic pictures, for loaning to persons who, by reason of their infirmity, are unable to take cognizance of the work or picture by means of copies placed on sale.

The extension of this right of reproduction to libraries other than those mentioned in the preceding paragraph will be subject to a special decision of the King in Council.

Sweden also has a separate law concerning the protection of photographs. Article 6 of that law provides that "by permission of the Government, and according to conditions stated therein, archives and libraries may make copies of a photographic picture for the purpose of their activities".

The Swedish law also has a public lending right which is entitled Copyright Royalties From Libraries. The system applies to library use of "original" works and their translations. Clearly it does not extend to use of "copies" by libraries or archives. The system is described below.

COPYRIGHT ROYALTIES FROM LIBRARIES

Section 1. In order to compensate authors and translators for the lending and for other use of their works through certain public libraries, a special fund shall be established. It shall be administered by the Office of the Paymaster-General and by called **Sweden's Fund for Authors.**

This Fund shall be fed from the budget item entitled "Compensation to Authors and Others for the Lending of their Works through Libraries". However, each transfer from this budget item to the Fund shall be subject to a resolution of the King in Council.

Section 2. A special Board, called **Board of Sweden's Fund for Authors,** shall be appointed to deal with certain questions concerning the Fund.

At the request of this Board, the Office of the Paymaster-General shall disburse all amounts charged to the Fund under the stipulations of this Decree.

Section 3. Compensation from the Fund ("author's allowance") shall be due to any author of Swedish citizenship in proportion to the calculated extent of use made through state county libraries, state-aided public libraries, and state-aided public libraries, and state-aided school libraries, of copies of his literary works in their original form, as far as such work is protected by the Law on Copyright in Literary and Artistic Works.

The author's allowance shall be disbursed per calendar year at the rate of Sw. Crs 0,02 per loan of said copies as well as the rate of Sw. Crs. 0,08 per copy which, during a certain period of the year, was accessible at the library for immediate use but not for lending for home reading ("reference copy").

The number of loans and of reference copies shall be calculated by sampling methods. The author's allowance shall not be disbursed when amounting to less than Sw. Crs. 10,-, and any part of it exceeding Sw. Crs. 1.000,- shall be reduced by one half. The amounts shall be determined by the Board to the nearest crown.

Section 4. After the author's death, the rules governing matrimonial property, inheritance and wills shall apply to the author's allowance.

The right to the author's allowance may not be transferred nor be subject to legal seizure.

Section 5. When the author's allowances have been disbursed and the Board's expenses defrayed, the remainder of the Fund shall, on the decision of the Board, be used for the following purposes:

(a) pensions and relief to authors, translators, and their survivors;
(b) grants to deserving authors, translators, and book illustrators; and
(c) assistance for special purposes relating to literary activities.

Section 6. According to the provisions of Section 1, second paragraph, the Fund shall receive all the compensation of uses mentioned in Section 3 of copies of literary works in their original form, as well as all the compensation for such uses of copies of literary works translated into Swedish, provided that the translator is a Swedish citizen and that his translation is protected by the Law on Copyright in Literary and Artistic Works.

Each calendar year, the Board shall organize sampling investigations in order to calculate the author's allowances and the compensation for translations which are to be transferred from the budget to the Fund. Then, it shall submit to the King Council.

(a) a statement of the calculated total number of loans entitled to author's allowances,
(b) a statement of the calculated total number of loans forming the basis of the compensation for translations, and
(c) the corresponding information regarding reference copies of works, both in their original form and in translation.

Hereafter, the King in Council will resolve to transfer to the Fund a sum totalling Sw. Crs. 0,03 per loan of works in their original form, Sw. Crs. 0,12 per reference copy of such works, Sw. Crs. 0,01 per loan of works in translation, and Sw. Crs. 0,04 per reference copy of such works, all according to the thus calculated total numbers.

Section 7. As to copies in the original form of a work written by two or more authors, the following shall apply:

(a) The use of the copies shall be included in the total number of loans or of reference copies according to Section 6, as soon as any of the authors is entitled to allowance according to Section 3, first paragraph.
(b) If the work is written by more than three authors, no allowance shall be disbursed.
(c) If the work is written by two or three authors, the allowance shall be divided equally between such authors as are entitled to allowance according to Section 3, first paragraph.

The uses of copies of a work in translation made by two or more translators shall be included in the total number of loans or of reference copies according to Section 6, as soon as the conditions in the said section, first paragraph, are applicable to any of the translators.

Section 8. If, after five years following the expiration of the calendar year to which an author's allowance relates, the amount or part thereof has not been disbursed to the rightful recipient, because it has not been possible to ascertain his address or, in case of a deceased author, it has not been duly ascertained to whom the right has passed, or if any other hindrance prevents disbursement, the amount lapses to the Fund.
Law dated 1980.

SWITZERLAND

Article 22 contains an exception for reproduction for private use. Except for the construction of works or architecture, the reproduction of a work shall be lawful when the reproduction is destined exclusively for the personal and private use of the person reproducing it. Such reproduction shall not be utilized with gainful intent.
Law dated 1955.

THAILAND

Section 33 provides that reproduction, by the librarian of a library, of a work copyrighted by virtue of this Act, if not being made for profit-making purposes, shall not consitute an infringement of copyright in the following cases:

(1) the reproduction is for use in the library or for supplying to other libraries;
(2) reasonable reproduction of a part of the work for another person for the purpose of research or study.

The number of copies reproduced under (1) and (2) shall, having due regard to the suitability of the purpose, not be beyond what is necessary in the circumstances.
Law dated 1978.

TUNISIA

Article 11 provides that the Department in charge of Cultural Affairs may, in cases of need, authorize public libraries, non-commercial documentation centres, scientific institutions and educational establishments to reproduce literary, scientific or artistic works, in the necessary number and limited to the needs of their activities, subject to equitable remuneration, to be fixed, failed friendly agreement, by the commission referred to in Article 32 of the law.
Law dated 1951.

UNITED KINGDOM

Section 7 provides an exception for libraries and archives. Because of its complexity it is reproduced in more detail than the laws of other countries. Because the sections are difficult to understand a summary, in lay person's language, is set out on pages 31 to 33.

7. Special Exceptions as Respects Libraries and Archives-

(1) The copyright in an article contained in a periodical publication is not infringed by the making or supplying of a copy of the article, if the copy is made or supplied by or on behalf of the librarian of a library of a class prescribed by regulations made under this subsection by the Board or Trade, and the conditions prescribed by those regulations are complied with.

(2) In making any regulations for the purposes of the preceding subsection the Board of Trade shall make such provision as the Board may consider appropriate for securing:-

(a) that the libraries to which the regulations apply are not established or conducted for profit;

(b) that the copies in question are supplied only to persons satisfying the librarian, or a person acting on his behalf, that they require them for purposes of research or private study and will not use them for any other purpose;

(c) that no person is furnished under the regulations with two or more copies of the same article;

(d) that no copy extends to more than one article contained in any one publication; and

(e) that persons to whom copies are supplied under the regulations are required to pay for them a sum not less than the cost (including a contribution to the general expenses of the library) attributable to their production, and may impose such other requirements (if any) as may appear to the Board to be expedient.

(3) The copyright in published literary, dramatic or musical work, other than an article contained in a periodical publication, is not infringed by the making or supplying of a copy of part of the work, if the copy is made or supplied by or on behalf of the librarian of a library of a class prescribed by regulations made under this subsection by the Board of Trade, and the conditions prescribed by those regulations are complied with. This exception shall not apply if, at the time when the copy is made, the librarian knows the name and address of a person entitled to authorise the making of the copy, or could by reasonable inquiry ascertain the name and address of such a person.

(4) No copy to which the regulations apply can extend to more than a reasonable proportion of the work in question.

(5) The copyright in a published literary, dramatic or musical work is not infringed by the making or supplying of a copy of the work, or of part of it, by or on behalf of the librarian of a library of a class prescribed by regulations made by the Board of Trade, if:

(a) the copy is supplied to the librarian of any library of a class so prescribed;

(b) at the time when the copy is made the librarian by or on whose behalf it is supplied does not know the name and address of any person entitled to authorise the making of the copy, and could not by reasonable inquiry ascertain the name and address of such a person; and

(c) any other conditions prescribed by the regulations are complied with:

The condition specified in paragraph (b) does not apply in the case of an article contained in a periodical publication.

(6) Where, at a time more than fifty years from the end of the calendar year in which the author of a literary, dramatic or musical work died, and more than one hundred years after the time, or the end of the period, at or during the work was made:-

(a) copyright subsists in the work, but
(b) the work has not been published, and
(c) the manuscript or a copy of the work is kept in a library, museum or other institution where (subject to any provisions regulating the institution in question) it is open to public inspection, the copyright in the work is not infringed by a person who reproduces the work for purposes of research or private study, or with a view to publication.

(7) Where a published literary, dramatic or musical work (the "new work") incorporates the whole or part of a work ("the old work") and the circumstances specified in the preceding paragraph existed immediately before the new work was published, and:

(a) before the new work was published, such notice of the intended publication as may be prescribed by regulations made under this subsection by the Board of Trade had been given, and
(b) immediately before the new work was published, the identity of the owner of the copyright in the old work was not known to the publisher of the new work, then for the purposes of this Act-
(i) that publication of the new work, and
(ii) any subsequent publication of the work, either in the same or in an altered form, shall, in so far as it constitutes as a publication of the old work, not be treated as an infringement of the copyright in the old work or as an unauthorised publication of the old work.

(8) In so far as the publication of a work, or of part of a work, is, by virtue of the last previous subsection, not to be treated as an infringement of the copyright in the work, a person who subsequently broadcasts the work, or that part thereof, as the case may be, or causes it to be transmitted to subscribers to a diffusion service, or performs it in public, or makes a record of it, does not thereby infringe the copyright in the work.

(9) In relation to an article or other work which is accompanied by one or more artistic works provided for explaining or illustrating it (referred to as "illustrations"), the preceding provisions of this section apply.

(10) In this section "article" includes an item of any description.

Explanation

The Act deals with three classes of cases of copying by libraries, (1) the copying of articles from periodicals, (2) the copying of parts of published works, and (3) the copying of complete works for use by other libraries.

(1) **Copying of articles from periodicals.** The librarian of a library is entitled to make and supply a copy of an article contained in a periodical publication, subject to regulations to be made by the Board of Trade. "Article" is defined as including an item of any description. Where the article is accompanied by one or more artistic works provided for explaining or illustraing it, such illustrations may also be copied.

The regulations prescribe the class of library to be entitled to the exception and, in particular, that they are not established or conducted for profit. They also require that the copies be supplied only to persons satisfying the librarian, or a person acting on his behalf, that they require them for purposes or research or private study and will not use them for any other purpose; that no person is furnished with two or more copies of the same article; that no copy extends to more than one article in any one publication, and that the persons to whom copies are supplied are required to pay for them a sum not less than the cost attributable to their production, including a contribution to the general expenses of the library.

(2) **Copying of parts of published works.** Libraries, are also entitled to make copies of parts of published literary, dramatic or musical works, which will, again, include any illustrations. Similar safeguards are prescribed by regulation. Futhermore, this exception is only to be exercised if the name and address of a person entitled to authorise the making of the copy is not known to the librarian and could not be ascertained by him by reasonable inquiry. If the name and address of such a person is known, the fact that it may be difficult to communicate with him because of distance, does not entitle the librarian to make use of the exception. The regulations provide that no copy to which the regulations apply extends to more than a reasonable proportion of the work in question.

(3) **Copying of complete works for use by other libraries.** The third exception entitles a librarian to copy for purposes of supply to the librarian of another library. The librarian can copy the whole of the work in question. If what is copied is an article in a periodical publication, it is not necessary for the librarian to establish that he did not know the identity of the owner of the copyright and could not, by reasonable inquiry, have ascertained it.

Prescribed libraries. Under the regulations the classes of libraries for the purposes of the foregoing provisions include libraries of schools and universities, public libraries, parliamentary libraries and libraries of establishments conducted for various learned purposes. The ability to copy articles or parts of published works is only exercisable by such libraries, if not conducted for profit. The ability to copy for purposes of supply to another librarian, is exercisable by and for the benefit of any of the libraries designated by regulation, and any library which makes works in its custody available to the public free of charge, and whether the supplying library is established or conducted for profit or not. Moreover, the power extends to the supply of copies to a library of a similar class outside the United Kingdom.

Reproduction of unpublished works kept in libraries. The remainder of Section 7 deals with a different kind of problem. In an increasing number of cases it is found that unpublished letters and manuscripts of historical or literary interest have been deposited with libraries or other institutions, and it may be in the general public interest that these should be published. Copyright in unpublished manuscripts can be perpetual. After the expiry of a long period, it is impracticable for anyone desiring to publish the material to ascertain with certainty in whom the copyright is vested. Section 7 (6) of the Act of 1956 accordingly provides that, where the manuscript or a copy of an unpublished work kept in a library, museum or other institution at which it is open to public inspection, and more than 50 years has elapsed from the end of the calendar year in which the author died, and more than 100 years has elapsed after the end of the making of the work, then the work may be reproduced for purposes of research or private study, or with a view to publication.
Law dated 1956.

UNITED STATES OF AMERICA

Section 108 provides a detailed exception for libraries and archives to permit reproduction. The section is set out below.

(a) Nothwithstanding the provisions of section 106, it is not an infringement of copyright for a library or archives, or any of its employees acting within the scope of their employment, to reproduce no more than one copy or phonorecord of a work, or to distribute such copy or phonorecord, under the conditions specified by this section, if:-

(1) the reproduction or distribution is made without any purpose of direct or indirect commercial advantage;
(2) the collections of the library or archives are (i) open to the public, or (ii) available not only to researchers affiliated with the library or archives or with the institution of which it is a part, but also to other persons doing research in a specialized field; and
(3) the reproduction or distribution of the work includes a notice of copyright.

(b) The rights of reproduction and distribution under this section apply to a copy or phonorecord of an unpublished work duplicated in facsimile form solely for purposes of preservation and security or for deposit for research use in another library or archives of the type described by clause (2) of subsection (a), if the copy or phonorecord reproduced is currently in the collections of the library or archives.

(c) The right of reproduction under this section applies to a copy or phonorecord of a published work duplicated in facsimile form solely for the purpose of replacement of a copy or phonorecord that is damaged, deteriorating, lost or stolen, if the library or archives has, after a reasonable effort, determined that an unused replacement cannot be obtained at a fair price.

(d) The rights of reproduction and distribution under this section apply to a copy, made from the collection of a library or archives where the user makes his or her request or from that of another library or archives, of no more than one article or other contribution to a copyrighted collection or periodical issue, or to a copy of phonorecord of a small part of any other copyrighted work, if:-

(1) the copy of phonorecord becomes the property of the user, and the library or archives has had not notice that the copy or phonorecord would be used for any purpose other than private study, scholarship, or research; and
(2) the library or archives displays prominently, at the place where orders are accepted, and includes on its order form, a warning of copyright in accordance with requirements that the Register of Copyrights shall prescribe by regulation.

(e) The rights of reproduction and distribution under this section apply to the entire work, or to a substantial part of it, made from the collection of a library or archives where the user makes his or her request or from that of another library or archives, if the library or archives has first determined, on the basis of a reasonable investigation, that a copy or phonorecord of the copyright work cannot be obtained at a fair price, if:-

(1) the copy of phonorecord becomes the property of the user, and the library or archives has had not notice that the copy or phonorecord would be used for any purpose other than private study, scholarship, or research; and
(2) the library or archives displays prominently, at the place where orders are accepted, and includes on its order form, a warning of copyright in accordance with requirements that the Register of Copyrights shall prescribe by regulation.

(f) Nothing in this section-

(1) shall be construed to impose liability for copyright infringement upon a library or archives or its employees for the unsupervised use of reproducing equipment located on its premises:

Provided, that such equipment displays a notice that the making of a copy may be subject to the copyright law;

(2) excuses a person who uses such reproducing equipment or who requests a copy or phonorecord under subsection (d) from liability for copyright infringement for any such act, or for any later user of such copy or phonorecord, if it exceeds fair use as provided by section 107;
(3) shall be construed to limit the reproduction and distribution by lending of a limited number of copies and excerpts by a library or archives or an audiovisual news program, subject to clauses (1), (2), and (3) of subsection (a); or

(4) in any way affects the right of fair use as provided by section 107, or any contractual obligations assumed at any time by the library or archives when it obtained a copy or phonorecord of a work in its collections.

(g) The rights of reproduction and distribution under this section extend to the isolated and unrelated reproduction or distribution of a single copy or phonorecord of the same material on separate occasions, but do not extend to cases where the library or archives, or its employee:-

(1) is aware or has substantial reason to believe that it is engaging in the related or concerted reproduction or distribution of multiple copies or phonorecords of the same material, whether made on one occasion or over a period of time, and whether intended for aggregate use by one or more individuals or for separate use by the individual members of a group; or

(2) engages in the systematic reproduction or distribution of single or multiple copies or phonorecords of material described in subsection (d):

Provided, that nothing in this clause prevents a library or archives from participating in inter-library arrangements that do not have, as their purpose or effect, that the library or archives receiving such copies or phonorecords for distribution does so in such aggregate quantities as to substitute for a subscription to or purchase of such work.

(h) The rights of reproduction and distribution under this section do not apply to a musical work, a periodical, graphic or sculptural work, or a motion picture or other audiovisual work other than an audiovisual work dealing with news, except that no such limitation shall apply with respect to rights granted by subsections (b) and (c), or with respect to pictorial or graphic works published as illustrations, diagrams, or similar adjuncts to works of which copies are reproduced or distributed in accordance with subsections (d) and (e).

(i) Five years from the effective date of this Act, and at five-year intervals thereafter, the Register of Copyrights, after consulting with representatives of authors, book and periodical publishers, and other owners of copyrighted materials, and with representatives of library users and librarians, shall submit to the Congress a report setting forth the extent to which this section has achieved the intended statutory balancing of the rights of creators, and needs of users. The report should also describe any problems that may have arisen, and present legislative or other recommendations, if warranted.
Law dated 1976.

URUGUAY

There are no special provisions for libraries or archives.
Law dated 1938.

VENEZUELA

There are no special provisions for libaries or archives.
Law dated 1962.

YUGOSLAVIA

There are no special provisions for libraries or archives.
Law dated 1978.

ZAMBIA

Section 7 provides that copyright not include the right to control the reproduction of works by public or institutional libraries, non-commercial documentation centres or scientific institutions for the purpose of their activities as may be specified in regulations.
Law dated 1965.